

SPECIAL MEETING
LODI CITY COUNCIL
WEDNESDAY, JANUARY 24, 1990
7:00 A.M.
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CA 95240

The meeting was called to order by Mayor Snider at 7:00 a.m.

Roll call was recorded by City Clerk Reimche as follows:

Present: Council Members - Hinchman, Pinkerton, Reid and Snider (Mayor)

Absent: Council Members - Olson

Also Present: City Manager Peterson, City Attorney McNatt, Chief Building Inspector and ex-officio Board of Appeals member Roger Houston, Senior Building Inspector Phil Schrock and City Clerk/Deputy Building Official Alice M. Reimche

CC-6
CC-14(a)
CC-24(b)
CC-91

City Attorney McNatt introduced that matter advising that the following appeal letter had been filed by Morris and Wenell regarding the construction of an office building at 1806 West Kettleman Lane, Lodi.

Our client wishes us to appeal your decision to classify his building at the above address from Type V-N to Type V-1 hr. Your basic contention is water space cannot be considered as open area in computing allowable area increase. Our appeal will center on this assumption.

Please set the hearing date and inform us of the time.

Sincerely,

Morris and Wenell Architects and Planners, Inc.

Senior Building Inspector, Phil Schrock, made the following presentation regarding the matter.

The Uniform Building Code provides an appeal process to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the Code. By adopting ordinance, the City Council shall site as Board of Appeals with the Chief Building Inspector as an ex-officio Member and Secretary of the Board.

The Code restricts the maximum square footage of a wood frame, non fire resistive office building, in order to protect the occupants from loss of life, the structure from

fire damage and adjacent buildings from same. The maximum square footage of a given building is determined by a formula using the following factors:

1. Occupancy
2. Type of construction (i.e. fire resistive or not)
3. Public way or open yards more then 20' in width, on two or more sides

In applying this formula to the office building at 1806 West Kettleman Lane, the Building Inspection Division denied the use of separation on two sides (for an allowable area increase of 50%) due to the fact that the building is 10' from the east and west property lines and the back side of the building is on a lake. Our interpretation of the reason for the allowable area increase, using separation on two or more sides, is that public ways and open yards provide access for Fire Department personnel and equipment, egress from the building and protection of adjacent buildings.

The Code requires yards to be open, unoccupied and unobstructed. We consider a lake to be an obstruction to the Fire Department and would limit egress.

When a building exceeds its maximum allowable square footage, one or more of the following fire resistive elements must be incorporated into the building.

1. Automatic sprinkler systems
2. One-hour fire resistive construction throughout
3. Fire resistive area separation walls

During the plan check procedure in April of 1989, we informed Morris and Wenell, Architects that the proposed office building was over area for the type of construction (V-N) proposed. Morris and Wenell changed the type of construction to one hour fire resistive throughout and based on that change a permit was issued.

Our interpretation that a lake is not an unobstructed yard is supported by the Handbook to the Uniform Building Code and the Application and Interpretation Manual, both documents being published by the International Conference of Building Officials.

Even if we were to consider the lake as a yard, the distance between the wood deck, which is attached to the rear of the building, and the rear property line is only

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15'11". Only yards in excess of 20' can be considered for the purpose of area increases.

We feel our interpretation of the code is correct and that the appeal of Morris and Wenell, Architects should be denied.

Larry Wenell, Architect, President, Morris and Wenell addressed the City Council on behalf of his appeal. His presentation included the following information.

There are several rationales for allowing the Lakeshore Professional Center to be considered as Type V-N (non-rated) construction. First of all, the allowed square footage of the building with no increases would be 16,000 square feet. The building has 14,279 square feet of offices including lobby restrooms and 17,138 square feet gross square footage, the difference consisting of interior circulation hallways. These hallways are rated as one-hour construction by their classification as corridors. If these corridors were outside corridors, they would not be counted as square footage. Should this project be penalized by providing a comfort and security amenity?

Secondly, the argument for increasing allowable square footage addresses the intent of the code: does the code allow increases based on proximity of other buildings (as we contend) or for fire department access? We believe the I.C.B.O. ruling favors our argument when they say "Since the code does not require this connection (open space to public way), a denial of a yard or open space to be used for increasing the building area based on ineffective fire department accessibility should be reconsidered."

The property line issue is arguable in that the property of the lake is common ownership to all properties bordering the lake, thus is, in fact, partially owner by Lakeshore Professional Center.

This decision has a cost impact on the tenant improvements of approximately \$70,000. We have been pursuing this meeting on the appeal since September 13th of last year. Tenant improvements are waiting permits based on this decision.

Given these arguments we request a Type V non-rated construction.

Discussion followed with questions being directed to the City's building officials and Mr. Wenell.

Mayor Pro Tempore Hinchman moved for denial of the appeal on the interpretation that the lake is not an open space. The motion was denied for lack of a second.

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Mayor Snider moved that the appeal be granted. The motion was seconded by Council Member Pinkerton.

The motion carried by the following vote:


Ayes: Council Members - Pinkerton, Reid and Snider
(Mayor)

Noes: Council Members - Hinchman

Absent: Council Members - Olson

The meeting was adjourned at 7:55 a.m.

Attest:


Alice M. Reimche
City Clerk/Deputy
Building Official

SPECIAL MEETING
LODI CITY COUNCIL AND
LODI PLANNING COMMISSION
WEDNESDAY, JANUARY 24, 1990
7:30 P.M.
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CA 95240

The meeting was called to order by Mayor Snider at 7:30 p.m.

Roll call was recorded by City Clerk Reimche as follows:

Present: Council Members - Hinchman, Reid and Snider
(Mayor)

Absent: Council Members - Olson and Pinkerton

Present: Planning Commission - Hitchcock-Akin,
Lapenta, Mindt, Rasmussen, Stafford and
Marzolf

Absent: Planning Commission - Griffith

Also Present: City Manager Peterson, City Attorney McNatt,
Assistant City Manager Glenn, Community
Development Director Schroeder, and City
Clerk Reimche

The topic of discussion was the review of the City of Lodi Draft General Plan - Land Use and Growth Management Element.

Addressing the City Council and Planning Commission regarding the subject were Debra D. Loh of Jones and Stokes Associates, Inc., and Bob Lagomarsino of J. Laurence Mintier and Associates, Consultants who had been involved in the preparation of the Public Review Draft.

The implementation programs for the various goals and policies set forth in the proposed General Plan were reviewed in depth by Mr. Lagomarsino.

City Attorney McNatt addressed the group regarding the City's legal role in funding school facilities.

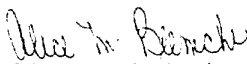
RECESS

Mayor Snider declared a five-minute recess and the meeting reconvened at 8:45 p.m.

Ira Saletan of Jones and Stokes Associates addressed the group regarding policies concerning school facilities.

The meeting was adjourned at 9:45 p.m.

Attest:


Alice M. Reimche
City Clerk

Continued December 13, 1989

7:30 P.M., CARNEGIE FORUM, 305 WEST PINE STREET, LODI

February 14, 1990
February 28, 1990

If Necessary

March 14, 1990
March 28, 1990

Mayor Snider adjourned the meeting at approximately 8:50 p.m.

Attest:

Alice M. Reimche
City Clerk